



February 1, 2002

SENATE BILL No. 144

DIGEST OF SB 144 (Updated January 31, 2002 9:03 AM - DI 106)

Citations Affected: IC 34-30; IC 36-4.

Synopsis: Civil liability of city controllers. Provides that the city controller of a second class city is not individually liable for an act or omission that occurs in connection with the controller's duty as fiscal officer of the city.

Effective: July 1, 2002.

Lanane, Long, Broden

January 7, 2002, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.
January 31, 2002, reported favorably — Do Pass.

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SB 144—LS 6708/DI 106+



February 1, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 144

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-30-2-153.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2002]: **Sec. 153.5. IC 36-4-10-2 (Concerning**
4 **the personal liability of the city controller of a second class city).**
5 SECTION 2. IC 36-4-10-2 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A city clerk shall
7 be elected under IC 3-10-6 by the voters of each second class city, and
8 a city clerk-treasurer shall be elected under IC 3-10-6 by the voters of
9 each third class city.
10 (b) The city clerk or clerk-treasurer is the clerk of each city.
11 (c) The city controller appointed under IC 36-4-9-6 is the fiscal
12 officer of each second class city, and the city clerk-treasurer is the
13 fiscal officer of each third class city.
14 (d) **The city controller of a second class city is not liable, in an**
15 **individual capacity, for any act or omission occurring in**
16 **connection with the performance of the city controller's duty as**
17 **fiscal officer of the second class city, unless the act or omission**

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1 **constitutes gross negligence or an intentional disregard of the**
2 **controller's duty.**

3 **(e)** The term of office of a city clerk or clerk-treasurer is four (4)
4 years, beginning at noon on January 1 after election and continuing
5 until a successor is elected and qualified.

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SENATE MOTION

Mr. President: I move that Senator Long be added as second author of Senate Bill 144.

LANANE

SENATE MOTION

Mr. President: I move that Senator Broden be added as second author of Senate Bill 144.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 144, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 144 as introduced.)

LONG, Chairperson

Committee Vote: Yeas 9, Nays 0.

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